UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,870	10/18/2004	Janos-Gerold Enderlein	112740-1005	6617

29177	7590	08/25/2005		EXAMINER	
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CHICAGO, IL 60690-1135			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 October 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15-29* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *10/18/2004*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Priority

1.   Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers

have been placed of record in the file.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

3.   **Claims 15-22 and 25-29 are rejected under 35 U.S.C. 102(e) as being anticipated by**

Carlton *et al* (U.S. 2004/0203363 A1).

As to **claim 15,** Carlton discloses a portable communication apparatus for matchmaking

with a plurality of remote communication apparatuses (para. 1). Carlton also discloses multiple

apparatuses 201, 203, 205, 207 will establish short-range wireless links 209, 210, 211, 212

between each other, exchange profile information, perform a correlation analysis and alert the

users when matches occur, all in an ad-hoc manner without the users' interaction, active

involvement or knowledge (para. 46), reading on claimed "a method for duplicating and

distributing information for identifying profiles of subscribers of a communication system."

Carlton also discloses each user 202, 204, 206, 208 of a portable communication apparatus

201, 203, 205, 207 according to the present invention must personalize their WIA and WIWLTM

profiles 213/217, 214/218 by inputting the information into an external computer 308 and

complete the profiles 213/217, 214/218, as well as the additional personal information 215/219,

by means of the computer keyboard and after completion, the information will be downloaded to

the portable communication apparatus by means of the connector 107/307 (para. 105), reading

on claimed "defining and storing, by the subscribers, subscriber-specific profiles using a

respective input unit in a respective module coupled to a respective communication appliance."

Carlton also discloses each user 202, 204, 206, 208 will initially complete a first profile

about himself/herself, referred to as a "Who I am" profile, and a second profile about the person

that the user wishes to find, referred to as a "Who I would like to meet" profile and these profiles

are stored locally in the apparatuses 201, 203, 205, 207 (para. 47). Carlton also discloses any

of the apparatuses 201, 203, 205, 207, for instance apparatus 201, will then detect, without the

knowledge of either the sending or receiving party, when other apparatuses 203, 205, 207 are

within the same short-range area and, upon recognition, exchange encrypted and confidential

profile information to any and all of these other apparatuses across the wireless links 209, 210,

211, 212 (para. 48), reading on claimed "using the respective module coupled to a respective

communication appliance to receive profiles from other subscribers of the communication

system based on wireless, locally limited network technology."

Carlton also discloses on the receiving end, each apparatus will perform a correlation

analysis between the incoming "Who I would like to meet" profile and the receiver's own "Who I

am" profile and if the correlation or percent match between the two profiles meets or exceeds a

user pre-set matching level, the original sender's additional personal information and apparatus-

specific user-ID will be stored in memory (para. 49), reading on claimed "comparing received

profiles to the profile which is defined and stored in the respective communication appliance in

line with a profile-specific correlation threshold; storing, upon activation by a subscriber, on the respective communication appliance the received profiles of the respective communication appliance."

Carlton also discloses the first and the second value of correlation are then compared with a first and a second threshold value, respectively and if the first and second values of correlation meet or exceed the respective first and second threshold values, the users 202 and 204 match each other well enough regarding the Must-Match parameters, and the correlation analysis proceeds with the second step (para. 108). Carlton also discloses in the second analysis step, the Query parameters of the WIA profile 213 associated with the user 202 are compared to the Query parameters of the WIWLTM profile 218 associated with the other user 204 (para. 109), reading on claimed "comparing, by the respective communication appliance, the received profiles of the respective communication appliance with one another in line with respective profile-specific correlation thresholds."

Carlton also discloses the Top list 1402 is a high score list which stores the X best historical matches in the apparatus 201, so that the user 202 can access them at any time (para. 111), reading on claimed "storing, upon activation by the subscriber, on the respective communication appliance the received profiles of the respective communication appliance."

Carlton also discloses if the third value of correlation meets or exceeds the third threshold value, it is ultimately determined, in the apparatus 201, that there is a match between users 202 and 204 (para. 109). Carlton also discloses an AppList module 810 supports several lists, which are indicated in FIG. 14: A Top list 1402, a Buddy list 1404, a Blocked list 1406 and a Device list 1408 (para. 110) and the Top list 1402 is a high score list which stores the X best historical matches in the apparatus 201, so that the user 202 can access them at any time (para. 111), reading on claimed "profiles which are newly received and stored based on

wireless, locally limited network technology profiles of other subscribers of the communication system using the module coupled to the respective communication appliance." Carlton also discloses the status data in the Device list 1408 holds information reflecting when a particular remote apparatus 203, 205, 207 last responded to an inquiry (para. 133). Carlton also discloses a counter included in the status data will be set to a predetermined initial value every time the particular remote apparatus responds to an inquiry and each time the particular remote apparatus does not respond to an inquiry, the counter value is decreased (para. 133). Carlton also discloses a counter value larger than zero indicates that the particular remote apparatus was recently present and may, in fact, still be present and should be available for, e.g., chat attempts; on the other hand, a counter value which has reached zero indicates that the particular remote apparatus is no longer present--maybe because the user thereof has moved away from the user of the current apparatus 201 (para. 133). Carlton also discloses the value of the counter will thus be an indication of how close the particular remote apparatus is, and/or the likelihood of a successful chat session (para. 133), reading on claimed "comparing, upon at least one of a change of location of the respective communication appliance and a provision of time" and "due to at least one of the change of location and the progression of time."

Carlton also discloses if profile data for the responding apparatus was successfully received in the present apparatus 201, the received data --including the WIA (Must-Match parameters only) and WIWLTM profiles 217, 218 of the responding apparatus 203 as well as its attached additional personal information 219--is stored in memory 311b; then, the correlation analysis is performed in the manner previously described (para. 131). Carlton also discloses the calculated third value of correlation is checked against aforesaid threshold value to see if the responding apparatus 203 qualifies as a match and the user 202 is duly alerted, if appropriate, using any of the standard ways of alerting, or alternatively by playing the responding user's

personal ring signal 1308 (para. 131), reading on claimed "communicating a respective instance of the profile-specific correlation thresholds being exceeded to the respective subscribers having the corresponding subscriber-specific profiles."

As to **claim 16,** Carlton discloses everything as applied in claim 15 above and Carlton also discloses if the correlation or percent match between the two profiles meets or exceeds a user pre-set matching level, the original sender's additional personal information and apparatus-specific user-ID will be stored in memory (para. 49), reading on claimed "profiles from other subscribers are temporarily stored in a communication appliance of a subscriber."

As to **claim 17,** Carlton discloses everything as applied in claim 15 above and Carlton also discloses the contents of the Top list 1402, Buddy list 1404 and Blocked list 1406 can be accessed by the user through the GUI of the apparatus at any time and the user may select a certain user-friendly name in either the Top list 1402 or the Buddy list 1404 and try to initiate a chat session by addressing the apparatus-specific user-ID associated with that user-friendly name (para. 119), reading on claimed "when profile-specific correlation thresholds are exceeded, an interposed provider of the communication system is used to set up a communication connection between the respective subscribers having the corresponding subscriber- specific profiles upon respective activation by the subscribers."

As to **claim 18,** Carlton discloses everything as applied in claim 15 above and Carlton also discloses all apparatuses 201, 203, 205, 207 communicate in a point-to-point manner over the Bluetooth interface (i.e., one sender communicates with one receiver at a time) or uses a broadcast functionality which is available in Bluetooth and according to which data is transmitted to several receivers simultaneously in a piconet consisting of one master device and up to seven slave devices (para. 149), reading on claimed "the wireless, locally limited network technology used is at least one of LAN technology and PAN technology."

As to **claim 19**, Carlton discloses everything as applied in claims 15 and 18 above and

Carlton also discloses all apparatuses 201, 203, 205, 207 communicate in a point-to-point

manner over the Bluetooth interface (i.e., one sender communicates with one receiver at a time)

or uses a broadcast functionality which is available in Bluetooth and according to which data is

transmitted to several receivers simultaneously in a piconet consisting of one master device and

up to seven slave devices (para. 149), reading on claimed "the wireless, locally limited network

technology used is Bluetooth."

As to **claim 20**, Carlton discloses everything as applied in claim 15 above and Carlton

also discloses the apparatus according to the present invention may, for example, be realized

as a separate, stand-alone unit, or may alternatively be included in, or combined with, a mobile

terminal for a telecommunications network, such as GSM, UMTS, GPS, GPRS or D-AMPS, or

another portable device of existing type, such as a PDA or a palmtop computer (para. 172),

reading on claimed "the respective communication appliance used is a mobile communication

appliance operating based on a standard, the standard being one of GSM, GPRSJEDGE and

UMTS."

As to **claim 21**, Carlton discloses everything as applied in claim 15 above and Carlton

also discloses associated with the sender's "Who I would like to meet" profile is additional

personal information 215, 219 and a unique apparatus-specific user-ID 216, 220, both of which

are also stored locally in the apparatuses 201, 203, 205, 207 (para. 48), reading on claimed

"each module associated with a subscriber is assigned an ID number."

As to **claim 22**, Carlton discloses everything as applied in claim 15 above and Carlton

also discloses the user may instead view the questions on a CRT or LCD screen associated

with the external computer 308 and complete the profiles 213/217, 214/218, as well as the

additional personal information 215/219, by means of the computer keyboard and after

completion, the information will be downloaded to the portable communication apparatus by

means of the connector 107/307 (para. 105), reading on claimed "the input unit is a computer."

As to **claim 25**, Carlton discloses a portable communication apparatus 101, reading on

claimed "module," is a wireless match-making device, assisting a user of the portable

communication apparatus in meeting other people, each equipped with a respective portable

communication apparatus of the same, or similar, type as apparatus 101 (para. 45). Carlton also

discloses the apparatus according to the present invention may be realized as a separate,

stand-alone unit, or may alternatively be included in, *or combined with*, a mobile terminal (para.

172), reading on claimed "module for interpretation into a mobile communication appliance

which is at least one of associated with a subscriber and coupled to a mobile communication

appliance associated with a subscriber via an interface."

Carlton also discloses each user 202, 204, 206, 208 will initially complete a first profile

about himself/herself, referred to as a "Who I am" profile, and a second profile about the person

that the user wishes to find, referred to as a "Who I would like to meet" profile and these profiles

are stored locally in the apparatuses 201, 203, 205, 207 (para. 47) and the memory means 311

associated with the CPU 313 consists of a 1 MB flash memory 311a, *a 512 KB external static

RAM (SRAM)* memory 311b and a serial 32 KB EEPROM memory 311c (para. 70), reading on

claimed "a memory unit for storing a profile of the subscriber."

Carlton also discloses these multiple apparatuses 201, 203, 205, 207 will establish

short-range wireless links 209, 210, 211, 212 between each other, exchange profile information,

perform a correlation analysis and alert the users when matches occur, all in an ad-hoc manner

without the users' interaction, active involvement or knowledge (para. 46) and the transceiver

309 is a BiCMOS class 1 Bluetooth radio module (para. 67), reading on claimed "a transmission

and reception unit operating on a basis of wireless, locally limited network technology, for transmitting and receiving foreign profiles from other subscribers of a communication system."

Carlton also discloses the software of the preferred embodiment of the portable communication apparatus 101 is divided into three major sub systems: an application software portion 402, a base software portion 404 and a Real Time Operating System 400 and the application software includes various segments of program code, which when executed by the CPU 313 will implement all the necessary functionality of the portable communication apparatus 101 (para. 77). Carlton also discloses on the receiving end, each apparatus will perform a correlation analysis between the incoming "Who I would like to meet" profile and the receiver's own "Who I am" profile and if the correlation or percent match between the two profiles meets or exceeds a user pre-set matching level, the original sender's additional personal information and apparatus-specific user-ID will be stored in memory (para. 49), reading on claimed "memory unit for storing the foreign profiles received."

Carlton also discloses an AppProfile module 806 implements functionality for user profile handling and for each user 201, 203, 205, 207 of the respective apparatus 202, 204, 206, 208 there will be defined a WIA ("Who I am") profile, representing the user himself/herself, as well as a WIWLTM ("Who I would like to meet") profile concerning a person that the user wishes to find (para. 99), reading on claimed "a correlation unit for comparing the profiles with one another." Carlton also discloses the Top list 1402 is a high score list which stores the X best historical matches in the apparatus 201, so that the user 202 can access them at any time (para. 111). Carlton also discloses a remote apparatus ID may be added onto the Buddy list 1404 either by copying that record from the Top list 1402 or by creating a record manually through the GUI (para. 113).

Carlton also discloses the AppBTEventHandler module 802b is responsive to events 530 supplied by the Bluetooth process 522 in the base software 404 and these events may include: a BT_FOUND_DEVICE event to indicate that another apparatus 203 has responded to an inquiry and that, therefore, the present apparatus should proceed with the match-making procedure; a BT_Match _REQUEST event to indicate that another apparatus 203 has requested a match, i.e. that profile data is available; and a BT_CHAT_REQUEST event to indicate that another apparatus 203 has requested a chat session (para. 122), reading on claimed "a signaling/synchronization unit for indicating respective instances of the profile-specific correlation thresholds being exceeded."

As to **claim 26**, Carlton discloses everything as applied in claim 25 above and Carlton also discloses all apparatuses 201, 203, 205, 207 communicate in a point-to-point manner over the Bluetooth interface (i.e., one sender communicates with one receiver at a time) or uses a broadcast functionality which is available in Bluetooth and according to which data is transmitted to several receivers simultaneously in a piconet consisting of one master device and up to seven slave devices (para. 149), reading on claimed "the transmission and reception unit operates based on at least one of LAN technology and PAN technology."

As to **claim 27**, Carlton discloses everything as applied in claim 25 above and Carlton also discloses the memory means 311 associated with the CPU 313 consists of a 1 MB flash memory 311a, a 512 KB external static RAM (SRAM) memory 311b and a serial 32 KB EEPROM memory 311c (para. 70), reading on claimed "the memory units are RAMs."

As to **claim 28**, Carlton discloses everything as applied in claim 25 above and Carlton also discloses the application software includes various segments of program code, which when executed by the CPU 313 will implement all the necessary functionality of the portable

communication apparatus 101 (para. 77), reading on claimed "the correlation unit is a microcomputer."

As to **claim 29**, Carlton discloses everything as applied in claim 25 above and Carlton also discloses the software of the preferred embodiment of the portable communication apparatus 101 is divided into three major sub systems: an application software portion 402, a base software portion 404 and a Real Time Operating System 400 (para. 77). Carlton also discloses the application software 402 comprises various modules 800-816, which are responsible for different tasks (para. 91). Carlton also discloses the AppBTEventHandler module 802b is responsive to events 530 supplied by the Bluetooth process 522 in the base software 404 and these events may include: a BT_FOUND_DEVICE event to indicate that another apparatus 203 has responded to an inquiry and that, therefore, the present apparatus should proceed with the match-making procedure; a BT_Match _REQUEST event to indicate that another apparatus 203 has requested a match, i.e. that profile data is available; and a BT_CHAT_REQUEST event to indicate that another apparatus 203 has requested a chat session (para. 122), reading on claimed "the signaling/synchronization unit is a software-assisted circuit."

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

Carlton as applied to claims 15 and 22 above, and further in view of Holmes *et al* (U.S.

6,134,432 A).

As to **claim 23**, Carlton discloses everything as stated in claims 15 and 22 above;

however Carlton fails to disclose a communication connection is set up between subscribers by

assigning the respective subscribers a respective neutral telephone number. The Examiner

contends this feature was old and well known in the art at the time of invention as taught by

Holmes.

In the same field of endeavor, Holmes teaches a system for providing wireless

messaging for a bidirectional wireless electronic unit (column 1, lines 12-14). Holmes also

teaches messages sent from a computer based mail system to a mobile phone 130 require a

valid MSISDN and the UNIX domain name where the gateway 101 resides (column 4, lines 58-

61). Homes also teaches when a message is sent from an outside email source to a mobile

phone 130, the gateway 101 may create a new, temporary and unique reply MSISDN number,

reading on claimed "neutral telephone number," associated with the reply address, before

sending the message the reply MSISDN number onto the mobile phone 130 (column 5, lines 2-

7), reading on claimed "a communication connection is set up between subscribers by assigning

the respective subscribers a respective neutral telephone number."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the method, as disclosed by Carlton, a communication connection is set up between subscribers by assigning the respective subscribers a respective neutral telephone number, as taught by Holmes, so that the user of the mobile phone can reply to messages without knowing the address of the original sender.

As to **claim 24**, Carlton discloses everything as stated in claims 15 and 22 above and Holmes teaches everything as stated in claim 23 above; however, Carlton fails to disclose the neutral telephone numbers are assigned on a temporary basis. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Holmes.

Homes also teaches when a message is sent from an outside email source to a mobile phone 130, the gateway 101 may create a new, temporary and unique reply MSISDN number, reading on claimed "the neutral telephone numbers are assigned temporarily," associated with the reply address, before sending the message the reply MSISDN number onto the mobile phone 130 (column 5, lines 2-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the method, as disclosed by Carlton, a communication connection is set up between subscribers by assigning the respective subscribers a respective neutral telephone number, as taught by Holmes, the neutral telephone numbers are assigned on a temporary basis, also taught by Holmes, so that the user of the mobile phone can reply to messages without knowing the address of the original sender.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olivia Marsh whose telephone number is 571-272-7912. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CHARLES APPIAH
PRIMARY EXAMINER